



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,815	11/30/2000	Hideaki Yui	35.C15025	8732
5514 7590 05/23/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
RAMAN, USHA				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
05/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/725,815

Applicant(s)

YUI ET AL.

Examiner

USHA RAMAN

Art Unit

2623

Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 48 and 52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 48 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Finseth et al. (US Pat. 6,813,775)

With regards to claim 48, Finseth discloses a receiving apparatus (receiving station 34) comprising:

A receiving unit for receiving a television broadcasting signal in which video signals of a plurality of broadcasting programs and program information of the plurality of broadcasting programs are multiplexed (see column 1, lines 64-67, column 3, lines 66-67).

An extraction unit for extracting the program information from the television broadcasting signal received by the receiving unit (see column 4, lines 19-24);

An image generation unit for generating an EPG image based on the program information (see column 8, lines 44-52);

An input unit (interface 82) for inputting recommended program information from an external apparatus, which is accessible by another user (see column 12, lines 30-38, lines 67, column 13, lines 1-2, and lines 25-28);

A control unit (CPU 74) for retrieving the program information relating to the recommended program information and for controlling the image generation unit (see column 8, lines 44-52). Finseth discloses that the system is operative to display "a program guide that displays programs that other users would find interesting" and therefore teaches the step of displaying a "special EPG image in which recommended programs are notably displayed" after receiving the recommended program from a first user (see column 13, lines 19-22, column 14, lines 50-58, column 17, lines 59-66). Finseth further discloses that the system is also operative to display the program guide (i.e. "normal EPG image") that was multiplexed with the program signals in the output data stream (see column 8, lines 14-20, and lines 44-52). Examiner notes that there exists a scenario in the system of Finseth wherein a second user may display program guide prior to a first user sharing his/her viewer preferences (i.e. recommended program information), which presents the case where the recommended program information does not exist. Therefore it is submitted that Finseth teaches a control unit for controlling the image generation unit that, "in a case where the program information relating to the recommended program information does not exist, to generate a normal EPG image, and in a case where the program information relating to the recommended

program information does not exist, to generate a special EPG image in which the recommended program is notably displayed”.

With regards to claim 52, Finseth additionally discloses all the method steps preformed by the apparatus of claim 48 and is analyzed as above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (US Pat. 6,813,775) in view of Maissel et al. (US Pat. 6,637,029).

With regards to claim 49, Finseth is silent on "wherein the special EPG image comprises a two dimensional program table displayed with a different display form for program boxes on the table between the recommended program and a non-recommended program".

It is however noted that Finseth discloses that user specific program guide is based on a viewer preference profile, wherein the profile merges recommended information transmitted by other users (see column 2 lines 8-11 and column 13, lines 11-18).

In an analogous art, Maissel discloses the step of emphasizing programs that are in accordance with viewer preference profiles in the program schedule. See column

5, lines 24-28. Maissel therefore shows the step of displaying program boxes with a different form for programs in accordance with viewer preferences than programs that are not in accordance with viewer preferences in order to emphasize the programs that are in accordance with the preferences.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Finseth by highlighting recommended programs that have been merged into the viewer preference profiles, thereby emphasizing to the viewer programs recommended by other users.

With regards to claim 50, Maissel discloses that highlighting may comprise a change in color or by other means in order to emphasize the programs. See column 20, lines 31-37. Examiner further takes Official Notice that making a particular item brighter was a well known method of at the time of the invention for highlighting or emphasizing the item to a user. Therefore the method of highlighting something by making it brighter would have been an obvious substitute for highlighting by changing color for achieving the predictable result of emphasizing the highlighted portions.

With regards to claim 51, Finseth additionally discloses a selecting unit for selecting a program selected by a user from a plurality of programs contained in the two dimensional program table, and a processing unit for processing the video signal of the selected program (see column 9, lines 8-12, and lines 25-27)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McKissick et al. (US PG Pub. 2006/0190966) discloses a method of transmitting user recommendations to other users (see [0099]).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

/Usha Raman/